

**Special Meeting Minutes
Wednesday, June 10, 2009
Meeting Scheduled Start Time: 10:15 AM**

**BOARD OF SUPERVISORS
Maricopa County, Arizona
(and the Boards of Directors of the Flood Control
District, Library District, Stadium District, Improvement
Districts, and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Sullivan Conference Room
310 W. Jefferson, 10th Floor
Phoenix, Arizona 85003

BOARD OF SUPERVISORS

The Board of Supervisors of Maricopa County Arizona convened in Special Session at 10:15 AM on Wednesday, June 10, 2009, in the Sullivan Conference Room with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, Supervisor, District 1; Don Stapley, Supervisor, District 2 and Mary Rose Wilcox, Supervisor, District 5. Absent: Andrew Kunasek, Supervisor, District 3. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

1. FILING A LAWSUIT AGAINST THE CITY OF EL MIRAGE

Authorize legal counsel to file a complaint in Superior Court against the City of El Mirage as it relates to the notice of claim previously filed with El Mirage; and further authorize the filing of any and all legal motions and actions to fully pursue this matter in Superior Court. (This item was heard in Executive Session on May 14, 2009).

This matter deals with the Cada Uno Building constructed in El Mirage using Community Development block Grant funds. The County contends that the City's current non-CDBG use of the building does not comply with the Housing and Urban Development's (HUD) CDBG regulations. The County has informed the City that using the building for City purposes is contrary to CDBG regulations.

The Clerk read the Chairman's statement regarding County Attorney conflict, as follows: "For the record, the Board has previously expressed concerns about the adversarial positions that the county attorney's office has often taken against the board. This concern has caused the Board to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing. In light of these concerns, the Board in no way waives any conflict or ethical issues that exist as a result of the county attorney's presence here."

The Chairman explained this action is an attempt to prevent any FY2009-10 Community Development Grant (CDBG) funds from being used for non-CDBG purposes.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

2. EXECUTIVE SESSION

Vote to convene in Executive Session to consider the items on the Special Executive Agenda dated June 10, 2009, pursuant to the statutory authority listed for each item.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board